

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Jason L. Wichert,

Plaintiff,

Case No. 07-14363

v.

Hon. Nancy G. Edmunds

Patricia Caruso, et. al.,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter has come before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and any objections thereto, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation.¹ It is further ordered that Defendants Dellar, Levine and Weippert's motion to dismiss or alternatively for summary judgment [#17] is hereby GRANTED, and Defendants Correctional Medical Services, Tyree and Calica's motion to dismiss [#21] is GRANTED as to Defendants Correctional Medical Services and Calica and DENIED as to Defendant Tyree.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: May 6, 2008

¹The Court believes that Magistrate Judge Pepe's statement, "it is clear that none of the claims raised by Plaintiff meet the standard articulated by *Estelle*," was made only with respect to Defendant Dellar, whose motion to dismiss is GRANTED. With respect to Defendant Tyree, the Court agrees with Magistrate Judge Pepe's conclusion that discovery "could demonstrate a wanton disregard of Plaintiff's serious medical need." Accordingly, Defendant Tyree's motion to dismiss is DENIED.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 6, 2008, by electronic and/or ordinary mail.

s/Carol A. Hemeyer

Case Manager